

REMARKS

This Amendment and Response is filed in response to the Final Office Action mailed on September 1, 2010. Please consider the above-identified patent application in view of the amendments and remarks provided herein.

Claims 1, 15, 22, and 29 are amended herein, no claims are canceled, and no claims are newly added; as a result, claims 1, 3-7, 15, 17-22, and 24-34 are pending in this application.

Examiner Interview Summary

The Applicant would like to thank Examiner Ben C. Wang and Primary Examiner Michael J. Yigdall for the courtesy of a telephone interview conducted on October 26, 2010 between the Examiners, the Inventor, Robert Zeidman, and the Applicant's representative, Jim H. Salter. During the interview, the scope of the independent claims and the cited art, particularly the Mathur reference (U.S. Patent No. 6,671,745), were discussed. A proposed amendment to the independent claims was also offered and discussed. This Amendment and Response is responsive to the Final Office Action and the matters discussed during the interview.

Potential Double Patenting Rejection

It was suggested in an Examiner interview that Claims 1-7, 9, 16-25 and 27-34 could be provisionally rejected under a non-statutory obviousness-type double patenting rejection, specifically over issued claims of U.S. Patent No. 6,934,947 by the same inventor. Applicant does not admit that the currently pending claims are identical or obvious in view of U.S. Patent No. 6,934,947. However, a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b)(iv) is submitted herewith to obviate this rejection.

§103 Rejections of the Claims

Claims 1, 3, 5, 7, 15, 17, 19, 21-22, 24, 26, 28-30, 32, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehman, et al. (U.S. Patent No. 4,796,179, hereinafter, "Lehman") in view of Mathur et al. (U.S. Patent No. 6,671,745, hereinafter Mathur).

Claims 4, 18, 25, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehman, in view of Mathur, and further in view of Xu et al., "On Satisfying Timing Constraints in Hard-Real-Time Systems", 1991, ACM (hereinafter 'Xu').

Claims 6, 20, 27, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehman, in view of Mathur, and further in view of Yodaiken (U.S. Patent No. 5,995,745) (hereinafter 'Yodaiken').

As discussed during the Examiner Interview referenced above, the Applicant respectfully submits that the cited references do not render obvious the claims as presented. Therefore, the Applicant respectfully requests withdrawal of the §103(a) rejections.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Jim H. Salter at 408-406-4855 to facilitate prosecution of this application.

Respectfully submitted,

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